

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRANDON MOYE, SR.,

Plaintiff,

No. 3:16-cv-01562-JE

v.

ORDER

ESCO CORPORATION, an
Oregon Corporation; and WORKERS
COMPENSATION BOARD,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [35] on November 17, 2016, in which he recommends that this Court grant Defendant's Motion for Summary Judgment [8], deny Defendant's Motion to Dismiss [25] as moot, and deny Defendant's request for sanctions. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. ECF 40. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court carefully considered Plaintiff's objections and concludes there is no basis to modify the Findings & Recommendation. The Court also reviewed the pertinent portions of the record *de novo* and finds no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderks' Findings & Recommendation [35]. The Court grants Defendant's Motion for Summary Judgment [8], denies Defendant's Motion to Dismiss [25] as moot, and denies Defendant's request for sanctions. Accordingly, this case is dismissed with prejudice.¹

IT IS SO ORDERED.

DATED this 12 day of January, 2016. ~~6~~ 7



MARCO A. HERNÁNDEZ
United States District Judge

¹ As Judge Jelderks noted, while Plaintiff names "Workers Compensation Board" in the caption of the case, ESCO is the only defendant listed in the Complaint itself. Plaintiff does not object to Judge Jelderks' determination that granting summary judgment to ESCO disposes of this case.